

Message Text

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ACTION OES-05

INFO OCT-01 EA-10 ISO-00 FEA-01 ACDA-10 CIAE-00 INR-07

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P 190310Z MAR 75

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC PRIORITY 8753

ERDA GERMANTOWN

UNCLAS SECTION 1 OF 2 TOKYO 3556

FOR DR. A.S. FRIEDMAN, J. BRESEE

E.O. 11652: N/A

TAGS: TECH, JA

SUBJECT: DRAFT GEOTHERMAL ARRANGEMENT

REF: TOKYO 2913, TOKYO 3127

1. FOLLOWING IS DRAFT GEOTHERMAL ARRANGEMENT RECEIVED
TOKYO ERDA THIS DATE. MR. MINO AD GENERAL COORDINATION
DIVISION ARRANGING FOR VISIT TO WASHINGTON WEEK MARCH 24
TO DISCUSS DRAFT.

"IMPLEMENTING ARRANGEMENT BETWEEN THE ENERGY RESEARCH
AND DEVELOPMENT AGENCY AND AGENCY OF INDUSTRIAL SCIENCE
AND TECHNOLOGY OF JAPAN ON COOPERATION IN THE FIELD OF
GEOTHERMAL ENERGY RESEARCH AND DEVELOPMENT. PARA.

"THE ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION (ERDA) OF
THE UNITED STATES OF AMERICA AND AGENCY OF INDUSTRIAL
SCIENCE AND TECHNOLOGY (AIST) OF JAPAN, PARA.

"DESIRING TO PROMOTE THE CLOSEST COLLABORATION BETWEEN
AMERICAN AND JAPANESE RESEARCH INSTITUTIONS IN THE FIELD OF
ENERGY RESEARCH AND DEVELOPMENT, ON THE BASIS OF MUTUAL
BENEFIT AND IN FURTHERANCE OF THE AGREEMENT ON COOPERATION
IN THE FIELD OF ENERGY RESEARCH AND DEVELOPMENT CONCLUDED
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BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND

THE GOVERNMENT OF JAPAN ON JULY 15, 1974, AND PARA.

"RECOGNIZING THAT TECHNOLOGICAL COOPERATION IN RESEARCH AND DEVELOPMENT IN THE AREA OF GEOTEMAL ENERGY WILL BENEFIT THEIR RESPECTIVE COUNTRIES AND FURTHER THE PURPOSES OF THE AGREEMENT ON COOPERATION IN THE FIELD OF ENERGY RESEARCH AND DEVELOPMENT, PARA.

"HAVE AGREED AS FOLLOWS:

ARTICLE I

"A. THE ERDA OF AMERICA AND THE AIST OF JAPAN (HEREINAFTER REFERRED TO AS THE PARTIES) WILL PURSUE AN INTENSIVE PROGRAM OF COOPERATION FOR RESEARCH ON AND DEVELOPMENT AND DEMONSTRATION OF APPLICATIONS OF GEOTHERMAL ENERGY, INCLUDING THE FOLLOWING:

- "(1) THE DEVELOPMENT AND EVALUATION OF THE GEOTHERMAL RESOURCE DATA BASE IN EACH COUNTRY,
- (2) NEW TECHNIQUES FOR RESOURCE ASSESSMENT,
- (3) NEW DRILLING AND FRACTURING TECHNIQUES,
- (4) VOLCANIC STUDIES,
- (5) TRANSPORTATION OF STEAM AND HOT WATER FOR NON-POWER USES,
- (6) EVALUATION OF RESERVOIR LIFE,
- (7) ENVIRONMENTAL STUDIES REGARDING THE SITING AND OPERATION OF GEOTHERMAL PLANTS, AND
- (8) OTHER RELATED FIELDS OF MUTUAL INTEREST TO BE AGREED UPON.

"B. THE MAJOR OBJECTIVE OF COOPERATION UNDER THIS ARRANGEMENT SHALL BE THE DEVELOPMENT OF THE TECHNOLOGY FOR BOTH POWER AND NON-POWER APPLICATIONS OF GEOTHERMAL ENERGY AS WELL AS DEVELOPMENT OF IMPROVED EQUIPMENT AND TECHNIQUES FOR ASSESSING GEOTHERMAL RESOURCES.

ARTICLE II

"1. THE PARTIES SHALL ESTABLISH A PANEL THE FUNCTIONS OF WHICH WILL BE TO DISCUSS MAJOR RESEARCH AND DEVELOPMENT POLICY ISSUES IN THE FIELD OF GEOTHERMAL ENERGY AND REVIEW ACTIVITIES AND ACHIEVEMENTS UNDER THIS ARRANGEMENT.

"2. THE PANEL SHALL BE CONSTITUTED FROM MEMBERS DESIGNATED BY UNCLASSIFIED

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THE ADMINISTRATOR OF EACH AGENCY.

"3. AS MUTUALLY AGREED BY THE PARTIES, THE PANEL WILL MEET USUALLY ONCE A YEAR, IN JAPAN AND THE UNITED STATES OF AMERICA ALTERNATELY. THE HOST AGENCY WILL BEAR THE COSTS OF THE MEETING ROOM, PREPARATION OF MATERIAL, INTERPRETATION AND OTHER FACILITIES REQUIRED FOR THE PANEL MEETING.

ARTICLE III

"THE PARTIES SHALL EACH DESIGNATE A COORDINATOR WHO SHALL BE RESPONSIBLE FOR THE OVERALL SUPERVISION OF THIS ARRANGEMENT.
PARA.

"THE DESIGNATION OR CHANGE OF A COORDINATOR SHALL PROMPTLY BE INFORMED TO THE OTHER PARTY.

ARTICLE IV

"1. THE PARTIES SHALL EXCHANGE INFORMATION ON SCIENTIFIC AND TECHNICAL DEVELOPMENTS ACTIVITY, POLICY AND PRACTICES REGARDING UTILIZATION, LEGISLATION AND REGULATIONS CONCERNING GEOTHERMAL ENERGY RESEARCH AND DEVELOPMENT INCLUDING THE FIELDS IN ARTICLE 1, PARA. 1 (1)-(8).

"2. THE PARTIES WILL EXCHANGE BY LETTER A LIST OF AVAILABLE INFORMATION AND INFORMATION REQUESTED, IN PRINCIPLE ONCE A YEAR.

"3. SHORTLY AFTER RECEIVING THE LETTER, EACH PARTY SHALL PROMPTLY SEND AVAILABLE INFORMATION AND INFORMATION AVAILABLE PREVIOUSLY REQUESTED BY THE OTHER PARTY.

"4. FURTHER DETAILS CONCERNING THE EXCHANGE OF INFORMATION IN PARAGRAPH 1 ABOVE WILL BE DETERMINED IN NEGOTIATIONS BETWEEN THE RESPECTIVE COORDINATORS.

ARTICLE V

"1. THE PARTIES SHALL PROMOTE VISITS AND EXCHANGE OF SCIENTISTS, TECHNICIANS AND OTHER EXPERTS (HEREINAFTER REFERRED TO UNCLASSIFIED

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AS THE SCIENTISTS).

"2 WHEN THE DURATION OF THE VISIT OF THE SCIENTIST EXCEEDS 2 WEEKS, EACH PARTY SHALL NOTIFY THE OTHER PARTY AS TO THE FOLLOWING POINTS 2 MONTHS BEFORE THE DEPARTURE DATE:

NAME, DATE OF BIRTH, EDUCATION, OCCUPATION,
SPECIALTY, RESEARCH THEME, LENGTH OF VISIT,
FOREIGN LANGUAGE ABILITY, RESEARCH ORGANIZATION
REQUESTED.

"3. THE PARTIES WILL MAKE EVERY EFFORT TO COMPLY WITH THE SCIENTIST'S REQUEST REGARDING RESEARCH ORGANIZATION.

"4. FURTHER DETAILS CONCERNING THE VISIT AND EXCHANGE OF

SCIENTISTS SHALL BE DETERMINED IN NEGOTIATIONS BETWEEN THE
RESPECTIVE COORDINATORS."

ARTICLE VII

NOT AVAILABLE, SEE PARA. 4 THIS MSG.
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ACTION OES-05

INFO OCT-01 EA-10 ISO-00 FEA-01 ACDA-10 CIAE-00 INR-07

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P 190310Z MAR 75
FM AMEMBASSY TOKYO
TO SECSTATE WASHDC PRIORITY 8754
ERDA GERMANTOWN

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ARTICLE VIII

"1. NOTHING IN THIS ARRANGEMENT SHALL BE CONSTRUED TO
PREJUDICE OTHER ARRANGEMENTS OR FURTHER ARRANGEMENTS FOR
COOPERATION BETWEEN THE PARTIES, INCLUDING THE PARTICIPATION
OF THIRD PARTIES AS MUTUALLY AGREED.

"2. EACH PARTY MAY AT ANY TIME PROPOSE OR RECOMMEND TO THE
OTHER PARTY AMENDMENT TO THIS ARRANGEMENT.

ARTICLE IX

"THE TERMINATION, CANCELLATION, EXPIRATION, OR AMENDMENT OF
THIS ARRANGEMENT OR THE U.S.-JAPAN AGREEMENT ON COOPERATION
IN THE FIELD OF ENERGY RESEARCH AND DEVELOPMENT SHALL NOT
AUTOMATICALLY AFFECT THE CARRYING OUT OF ANY PROJECT OR
PROGRAM UNDERTAKEN IN ACCORDANCE WITH THIS ARRANGEMENT AND
NOT ULTY EXCEUTED AT THE TIME.

ARTICLE X

"THIS ARRANGEMENT SHALL ENTER INTO FORCE ON THE LATTER DATE OF SIGNATURE BY A PARTY AND SHALL REMAIN IN FORCE UNTIL THE DATE OF THE TERMINATION OF THE U.S.-JAPAN AGREEMENT ON COOPERATION IN THE FIELD OF ENERGY RESEARCH AND DEVELOPMENT.
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HOWEVER, EITHER PARTY MAY GIVE NOTICE TO THE OTHER OF ITS INTENTION TO TERMINATE THIS ARRANGEMENT, IN WHICH CASE THIS ARRANGEMENT WILL TERMINATE NOT LESS THAN SIX MONTHS AFTER SUCH NOTICE HAS BEEN GIVEN. THIS ARRANGEMENT MAY BE EXTENDED BY MUTUAL AGREEMENT FOR A FURTHER SPECIFIED PERIOD.

"DONE, IN DUPLICATE, IN THE ENGLISH AND JAPANESE LANGUAGES BOTH BEING EQUALLY AUTHENTIC."

2. "ANNEX

"1. THE FOLLOWING REGULATIONS SHALL APPLY TO ANY INVENTION SUBJECT TO PATENTS MADE BY THE SCIENTISTS SENT UNDER THIS ARRANGEMENT DURING RESEARCH ON THE SUBJECT DESIGNATED IN THE RECIPIENT ORGANIZATION.

"(1) WHEN THE INVENTION IS MADE BY THE SCIENTIST HIMSELF. THE DESPATCHING PARTY SHALL HAVE ALL RIGHTS TO SUCH INVENTION.

THE PARTY WILL MAKE EVERY EFFORT TO GIVE A NON-EXCLUSIVE LICENCE TO THE OTHER PARTY OR THOSE CORPORATIONS OR PERSONS RECOMMENDED BY THE OTHER PARTY.

"(2) WHEN THE INVENTION IS MADE BY THE SCIENTIST IN COOPERATION WITH THE SCIENTISTS OF THE RECIPIENT ORGANIZATION, THE PARTIES SHALL HAVE JOINT RIGHTS TO SUCH INVENTION.

"2. THE PRECEDING PARAGRAPH SHALL APPLY MUTATES MUTANDIS TO A DESIGN MADE BY THE SCIENTISTS.

"3. THE PARTIES SHALL PROVIDE ALL NECESSARY COOPERATION FROM ITS INVENTORS TO CARRY OUT THE PROVISIONS OF PARAGRAPHS (6) AND (7) ABOVE.

"4. EACH PARTY SHALL ASSUME THE RESPONSIBILITY TO PAY AWARDS OR COMPENSATION REQUIRED TO BE PAID TO ITS OWN NATIONALS ACCORDING TO ITS OWN LAWS." END DRAFT AGREEMENT.

2. TWO MAJOR PROBLEMS APPEAR TO BE NUMBERS TRANSLATED REPORTS, REF. 1, 2 AND PATENT PROVISIONS, REF. 2.

3. MINO DELIVERED COPIES APPLICABLE JAPANESE LAWS WHICH MAKE

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US DRAFT UNACCEPTABLE FROM PATENT POINT VIEW. LAWS NOW IN
TRANSLATION; WILL CABLE AS SOON AS TRANSLATION COMPLETED.

4. SECTION VII WILL BE TRANSMITTED WHEN RECIVED. IT IS UNDER-
STOOD TO BE THE PATENT SECTION WHICH IS COMPRISED OF THE ANNEX
OF THIS PRESENT DRAFT PLUS SOME ADDITIONAL MATERIAL.
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